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16 **UNITED STATES DISTRICT COURT**
17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

18 _____)
19 Innovation Law Lab, *et al.*,)
20 Plaintiffs,)
21 v.) Civil Action No. 3:19-cv-0807-RS
22) **ADMINISTRATIVE MOTION**
23) **TO FILE EXCERPTS OF ALIEN**
24) **FILES UNDER SEAL**
25 Kirstjen Nielsen, *et al.*,)
26 Defendants.)
27 _____)
28

1 Pursuant to Civil Local Rules 7-11 and 79-5, Defendants submit this administrative
2 motion requesting an order allowing Defendants to file the following excerpts of the individual
3 Plaintiffs' Alien Files ("A-Files") under seal:
4

- 5 1. Plaintiff Kevin Doe:AF1-AF11¹
- 6 2. Plaintiff Bianca Doe:AF12-AF23
- 7 3. Plaintiff Alex Doe: AF24-AF36
- 8 4. Plaintiff John Doe:AF37-AF47
- 9 5. Plaintiff Gregory Doe: AF48-AF67
- 10 6. Plaintiff Christopher Doe: AF68-AF83
- 11 7. Plaintiff Evan Doe: AF84-AF97
- 12 8. Plaintiff Dennis Doe: AF98-AF110
- 13 9. Plaintiff Frank Doe: AF111-AF128
- 14 10. Plaintiff Ian Doe: AF129-AF152
- 15 11. Plaintiff Howard Doe: AF153-AF187

16 For the reasons set forth below, this Motion should be granted.
17

18 1. Plaintiffs in this lawsuit are challenging the implementation of the Migrant
19 Protection Protocols ("MPP"), *see* Complaint, Dkt No. 1, and, in their Motion for a Temporary
20 Restraining Order ("TRO") contend that certain documents relevant to the Individual Plaintiffs
21 have not been filed. *See, e.g.*, Dkt. 20-1 at 6.
22

23 2. Defendants seek to submit excerpts of the individual Plaintiffs' A-Files solely to
24 advance Defendants' jurisdictional arguments as well as to rebut the evidence submitted by
25
26

27
28 ¹ The ranges denoted with AF simply refer to the bates number range of each individual Plaintiff's A-File.

1 Plaintiffs to show irreparable harm.

2 3. Each A-File contains personal and confidential identifying information belonging
 3 to the individual Plaintiffs, and also catalogues interviews conducted by the Department of
 4 Homeland Security and asylum officers of the individual Plaintiffs. These interviews also
 5 contain sensitive, protected identifying information. *See* Declaration of Archith Ramkumar
 6 (“Ramkumar Decl.”) ¶ 3.

7 4. In addition, the individual Plaintiffs are proceeding in this lawsuit
 8 pseudonymously, *see* Dkt. 4. It is therefore necessary to file the A-Files under seal to remain
 9 consistent with Plaintiffs’ motion to proceed pseudonymously. As such, the A-Files that are the
 10 subject of this motion are replete with information that must be protected from public disclosure.
 11 *See* Ramkumar Decl. ¶ 4.

12 5. Records contained in the A-Files also contain information that federal authorities
 13 are prohibited from disclosing to the public. *See, e.g.*, 8 C.F.R. § 208.6 (confidentiality measure
 14 generally prohibiting immigration authorities from disclosing to third parties information
 15 contained in or pertaining to asylum applications, credible fear determinations, and reasonable
 16 fear determinations); *see also* Ramkumar Decl. ¶ 4.

17 6. The Ninth Circuit requires compelling reasons to seal records. *Kamakana v. City*
 18 & *County of Honolulu*, 447 F. 3d 1172, 1178 (9th Cir. 2006). Here, the “compelling reasons”
 19 standard is met. As set forth above, the A-Files are replete with protected and sensitive
 20 information related to each individual Plaintiff. And because this protected information is
 21 prevalent throughout each individual Plaintiffs’ A-Files and is also information protected from
 22 disclosure by regulation, *see* 8 C.F.R. § 208.6, it cannot be redacted.

23 7. Plaintiffs do not oppose this motion. *See* Ramkumar Decl. ¶ 5.

1 8. Accordingly, given the amount of protected information in the A-files,
2 Defendants request an order allowing the submission of the excerpts of the individual Plaintiffs'
3 A-files under seal.

4 DATED: March 1, 2019
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6 Respectfully submitted,

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